



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.113

**TA-1498-2024 (O&M)
Date of Decision: 12.08.2025**

MANJEET KAUR

....Applicant

Versus

SURESH KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Ravisha Mahajan, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 24.04.2025.

ARCHANA PURI, J. (Oral)

CM-20810-CII-2024

Keeping in view the averments made in the application, same is
allowed.

Main case

The applicant-wife has filed the present application for seeking
transfer of the petition under Section 9 of the Hindu Marriage Act i.e.
DMC/267/2021, titled '*Suresh Kumar Vs. Manjeet Kaur*', filed by the
respondent-husband, pending in the Family Court, Hisar and she seeks
transfer of the same to the Court of competent jurisdiction at Patiala.

Upon notice, the respondent did not make appearance, despite
service and as such was proceeded against *ex parte*.

Counsel for the applicant heard.

At the very outset, it is submitted by the counsel for the
applicant that the marriage between the parties to the lis, had taken place on



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02.02.2019, but no child was born from the said wedlock. However, on account of the matrimonial dispute, the parties are residing separate. The applicant is residing at Patiala, where she is working as a 'Staff Nurse', in Government Medical College & Rajindra Hospital, Patiala. The distance between the two places is stated to be about 183 kilometres. As such, it is submitted that it is difficult for the applicant, to commute such a distance, to defend the petition under Section 9 of the Hindu Marriage Act.

Also, it is submitted that after filing of the present application, the applicant has also filed the petition under Section 12 of the Hindu Marriage Act, which is pending in the Courts at Patiala.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards convenience of the wife, in case of transfer application relating to the matrimonial dispute. However, the same is not a thumb rule. Various other circumstances, spelt out from the material brought on record ought to be taken into consideration. In the case in hand, the distance between the two places, where the petition is already pending and where it is proposed to be transferred, is about 183 kilometres, which definitely shall be very inconvenient for the applicant to cover, to defend the petition under Section 9 of the Hindu Marriage Act, more particularly, while she is working as a 'Staff Nurse', which is also a very demanding job.

In view of the aforesaid fact situation and also taking into consideration the fact of the respondent having not come forward to resist the application, as well as considering the petition under Section 12 of the Hindu Marriage Act, already pending in the Courts at Patiala, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. DMC/267/2021, titled '*Suresh Kumar Vs. Manjeet Kaur*',



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filed by the respondent-husband, stands transferred from the Family Court, Hisar, to the Court of competent jurisdiction at Patiala. The requisite record of the aforesaid case be sent by the Family Court, Hisar, to the District and Sessions Judge, Patiala.

Learned District and Sessions Judge, Patiala, shall assign the said petition to the Family Court, Patiala. Even, the parties are directed to appear before the Family Court, Patiala, within a period of one month from today onwards.

Pending civil miscellaneous application, also stands disposed of.

12.08.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No